IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Bail Appl..No. 1767 of 2007()

CRIME NO.225/06 OF VARAPPUZHA POLICE STATION

: PETITIONERS

SUBEESH, AGED 28, S/O.MADHAVAN,
AMBATTUPARAMBIL HOUSE, CHARAYAMTHURUTHU,
VARAPPUZHA PO.

BY ADV. SRI.S.RAJKUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, VARAPPUZHA POLICE
STATION, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1767 OF 2007 A

Dated this the 23rd day of March, 2007

O R D E R

Petitioner, who is the first accused in Crime No.225/06 of Varapuzha Police Station for offences punishable under sections 143, 147, 148, 506(ii) and 307 read with section 149 IPC and section 27 of the Arms Act, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8 p.m. on 3.12.2006 due to political rivalry the 13 accused persons armed with deadly weapons attacked one Noji and one Shan. Petitioner is the person, who is alleged to have stabbed with a knife, which has not been recovered as well. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 28.3.2007 and 30.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced on the same day

before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail. Such disposal shall preferably be on the same date on which the application is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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